

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rick DeMartini,

Civil 06-2373 MJD/FLN

Petitioner,

v.

O R D E R

Warden R.L. Morrison,

Respondents.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 12, 2006, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Insofar as the petition seeks to require the BOP to consider Petitioner's eligibility for RRC placement without regard to 28 C.F.R. §§ 570.20 and 570.21 and to evaluate his RRC eligibility consistent with 18 U.S.C. § 3621(b), the petition is

GRANTED;

2. Insofar as Petitioner is requesting to be immediately considered for transfer to a RRC or home confinement, the petition is **DENIED**.

DATED: January 5, 2007
at Minneapolis, Minnesota

s/Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge